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CONTEMPT. — Every superior court has inherent power to punish contempts of its authority. Ordinarily in the case of such offenses the court itself is the sole judge without appeal and imposes penalties as it sees fit.¹ Such an extraordinary power needs of course to be used with great caution, and such has been the common practice of the courts. In a most important class of contempts, however, contempts of an order of a court of equity, the courts have not shown the same conservative tendency. It has long been settled that no one but a party to the proceedings is bound directly by the order of a court of equity.² Certain persons not parties to injunction proceedings nevertheless have been held for contempt of court because of acts done with knowledge of the injunction. A most natural and necessary extension of the early rule was made in order to include servants or agents of a person enjoined.³ If servants or agents were allowed to do what was forbidden to their master or principal, a court of equity could be foiled with impunity. The next step was to hold in contempt any one conspiring or acting in privity with the person enjoined in violating the injunction.⁴ From this developed the class of cases of which a recent New York case is an example. All members of the same combination, as for instance the same labor union, are included in the terms of an injunction issued against certain members of the union as parties to the proceedings. As each member is in privity with the others, any one who does the act forbidden comes within the scope of the above rule and consequently is in contempt. *People v. Marr*, 88 N. Y. App. Div. 422. These extensions of the old rule were but natural developments, but recent cases have taken a step which necessitates either a new doctrine, or a new idea of privity. Persons not parties to the injunction proceedings have been held in contempt for doing acts enjoined, with knowledge of the injunction, acting wholly independently of the persons enjoined, but for the purpose of assisting them.⁵ Nor have the courts stopped there. Persons have been held in contempt for doing the act enjoined with knowledge of the injunction, entirely for their own purposes and with no intention or desire to assist the persons enjoined in any respect.⁶

In these cases as in all the above cases in extension of the original rule the persons held for contempt, not being parties to the injunction proceedings, cannot be held for disobedience of the court's order, but for setting the court at defiance and conducting themselves so as to obstruct the course of justice. It is submitted that whenever one of a numerous body, out of sympathy for the organization, or in order to forward its interests, does an act prohibited by an injunction issued against others of the body as representing all, he may properly be held in contempt, for he is guilty of virtual conspiracy to set the court at naught. Thus also one who knowingly assists the person enjoined in violating the injunction directly or indirectly, whether acting in concert with him or entirely independently, is undoubtedly showing such a criminal disregard of the court's decree. But the case would seem to be very different where the defendant does the act, as for instance trespassing on land, for his own purposes.⁶ In holding persons not parties to the injunction proceedings in contempt in such cases, equity seems to be widening its jurisdiction to an extent dangerous to the public and practically certain to result in adverse legislation.

¹ *In re Yates*, 4 Johns. (N. Y.) 317.

² *Wellesley v. Mornington*, 11 Beav. 180.

³ *Ibid.* 181.

⁴ *Seaward v. Paterson*, [1897] 1 Ch. 545.

⁵ *In re Reese*, 107 Fed. Rep. 942.

⁶ *Chisolm v. Caines*, 121 Fed. Rep. 397; see also 17 HARV. L. REV. 133.